

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**IN RE:
JASON TAYLOR MARTIN,**
Debtor.

DALTEX ELECTRIC, LLC,
Plaintiff,

VS.

JASON TAYLOR MARTIN,
Defendant.

§

CASE NO. 22-42492-elm7
CHAPTER 7

Adversary No. 23-04002-elm

**DALTEX ELECTRIC, LLC'S MOTION AND BRIEF TO COMPEL
DEFENDANT TO RESPOND TO DISCOVERY**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Daltex Electric, LLC, Plaintiff, and files its Motion and Brief to Compel Jason Martin (“Martin”) to Respond to Plaintiff’s Discovery, and would show as follows:

1. On February 23, 2023, Plaintiff served Request for Production of Documents to Jason Martin. Martin has not responded to such discovery. A copy of the letter serving the Request for Production is attached hereto as Exhibit “1.”

2. Plaintiff seeks an Order compelling Jason Martin to fully respond to the Discovery Requests within ten days of the Court's Order.

3. Motion to compel discovery should be granted where discovery sought is both relevant and proper, but not if court is unable to find that discovery is relevant and proper. Federal Rule of Civil Procedure 37 permits a court to award any reasonable expenses incurred in

bringing a motion to compel discovery and any reasonable expenses, including attorneys' fees, caused by a party's failure to comply with an order compelling discovery.

WHEREFORE, PREMISES CONSIDERED, Daltex Electric, LLC prays that the Court order Jason Martin to produce documents responsive to Plaintiff's Request for Production within ten days of the Court's Order, and for such other relief to which it is entitled.

Respectfully submitted,

By: /s/ Richard G. Dafoe
Richard G. Dafoe
State Bar No. 05309500
rdafoe@wslawpc.com
Scott E. Hayes
State Bar No. 09280050
shayes@wslawapc.com
WADDELL SERAFINO GEARY RECHNER
JENEVEIN P.C.
Comerica Bank Tower
1717 Main Street, 25th Floor
Dallas, Texas 75201-7341
214-979-7400 – Telephone
214-979-7402 – Facsimile

ATTORNEYS FOR DALTEX ELECTRIC, LLC

CERTIFICATE OF CONFERENCE

I hereby certify that on April 14, 2023 and May 16, 2023, I attempted to confer with the Pro Se Defendant, Jason Martin on the Motion to Compel. Because the documents requested have not been produced, I assume the Defendant will oppose the Motion to Compel and therefore a hearing is needed.

/s/ Scott Hayes
Scott Hayes

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been sent to Jason Martin on this 16th day of May 2023.

Via First Class Mail &

CMRRR: 9489 0090 0027 6403 2856 68

Jason Martin

1016 Sycamore Street

Burleson, Texas 76028

/s/ Scott Hayes

Scott Hayes

WADDELL | SERAFINO

GEARY ■ RECHNER ■ JENEVEIN

1717 Main Street | 25th Floor | Dallas, Texas 75201
Main 214.979.7400 | Fax 214.979.7402

SCOTT HAYES
SHAYES@WSLAWPC.COM

DIRECT DIAL: (214) 979-7430
FIRM FAX: (214) 979-7402
WWW.WSLAWPC.COM

February 23, 2023

Via First Class Mail &
CMRRR: 9489 0090 0027 6181 6909 37

Jason Martin
1016 Sycamore Street
Burleson, Texas 76028

Re: Daltex Electric, LLC v. Jason Taylor Martin et al.; Adversary No. 23-04002-elm

Dear Mr. Martin:

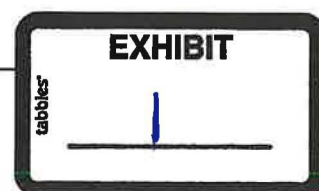
Enclosed is Daltex Electric, LLC's Request for Production of Documents in the above referenced matter.

Sincerely,



Scott Hayes

542155



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Debtor.

DALTEX ELECTRIC, LLC,
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Defendant.

CASE NO. 22-42492-elm7
CHAPTER 7

Adversary No. 23-04002-elm

DALTEX ELECTRIC, LLC'S REQUEST FOR PRODUCTION OF DOCUMENTS TO JASON MARTIN

TO: Jason Taylor Martin, 1016 Sycamore Street, Burleson, Texas 76028.

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Daltex Electric, LLC requests that Jason Martin produce for inspection and copying all documents falling within the categories listed below and in his possession, custody, or control, or the possession, custody, or control of his agents, representatives, or attorneys. Production is requested at a place mutually convenient to the parties to be agreed upon by the parties, but if no agreement is reached, then at the undersigned's law office within thirty (30) days after the service of this Request.

Respectfully submitted,

WADDELL SERAFINO GEARY
RECHNER JENEVEIN, P.C.
Comerica Bank Tower
1717 Main Street, 25th Floor
Dallas, Texas 75201-7341
(214) 979-7400
(214) 979-7402 – Fax

By: /s/ Scott Hayes
Scott Hayes
State Bar No. 09280050
shayes@wslawpc.com
Richard G. Dafoe
State Bar No. 05309500
rdafoe@wslawpc.com

ATTORNEYS FOR DALTEX ELECTRIC, LLC

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been forwarded to the following counsel of record on this the 23rd day of February 2023 by CM-RRR and U.S. Mail to:

Via First Class Mail &
CMRRR: 9489 0090 0027 6181 6909 37
Jason Martin
1016 Sycamore Street
Burleson, Texas 76028

/s/ Scott Hayes
Scott Hayes

I.

DEFINITIONS AND INSTRUCTIONS

1. To the extent provided by the Federal Rules of Civil Procedure, these discovery requests are intended to be continuing in nature. You are required to supplement your answers when appropriate or necessary.

2. The terms “You” refers to Jason Martin.

3. The term “relating” or “related” shall mean referring to, have any relationship to, pertaining to, evidencing or constituting evidence of, in whole or in part, the subject matter of the request.

4. As used herein, the term “document” or “documents” shall mean, but not be limited to, any printed, typewritten, or handwritten item or reproduction thereof by any means of electronic storage of information that is within your or your attorney’s, accountant’s, and any of their agents possession, custody, or control, including, but not limited to, writings, letters, correspondence, notes, telegrams, telexes, memoranda, records, books of account, ledgers, balance sheets, diaries, calendars, journals, minutes, contracts, drafts of accounts, insurance policies, insurance claims, applications for insurance policies, drawings, graphs, charts, photographs, records of telephone or personal conversations or conferences, interoffice communications, microfilm, tape recordings, bulletins, circulars, personal financial statements or records of any kind, or schedules, pamphlets, studies, surveys, appraisals, worksheets, appraisal sheets or reports, catalogues, invoices, checks, vouchers, newspaper inserts, computer listings, publications, voice recording, statistical computations, computer tapes and printouts, microfiche, all agreements, analyses, appointment records, articles, arithmetical compilations, audio recordings, whether transcribed or note, balance sheets, bills, bills of lading, blanks, booklets, books, books of account, bulletins, cablegrams, certificates, charters, charts, checks, circulars, communications, compilations, computer cards, computer printouts, computer programs, computer readouts, computer tapes, contracts data compilations from which information can be obtained or translated through detection devices, sales data, delivery records, diaries, disks, drafts, drafts of documents, drawings, entries, envelopes, estimates, expense reports, field notes, films, financial analyses, financial statements, forms, instruments, intraoffice and interoffice communications, invoices, itemizations, journals, letters, licenses, magazines, magnetic tapes, manuals, maps, meeting reports, memoranda, memoranda messages (including reports, notes and memoranda of telephone conversations and conferences), of all conversations including telephone calls, minutes of all other communications of any type including interoffice and intraoffice communications, newspapers, notes, notices, order forms, orders, opinions, payroll records, permits, photocopies, photographs, planographs, plans, press releases, prospectuses, publications, punch cards, purchase orders, questionnaires and surveys, receipts, recordings, records, records of account, reports, requisitions, resolutions, sketches, specifications, statements, statistical records, tapes, telegrams, texts, time records, training manuals, training materials, transcripts, valuations, video recordings, warehouse receipts, writings, or workpapers and copies or reproductions of all of the foregoing upon which notations and writings have been made and which do not appear on the original, notes or summaries prepared or related to any, of the foregoing and each copy of the foregoing which is not identical because of marginal

notations or otherwise in your possession or control or the control of your attorney, former attorney(s), employees, former employees, agents, former agents, servants or relatives.

5. A document is deemed to be within a person or entity's care, custody, or control if such person or entity has ownership, possession, or custody of the document or thing, or copy thereof, or the right or ability to secure the document or copy thereof from any other person or public or private entity having physical possession thereof.

REQUEST FOR PRODUCTION

REQUEST NO. 1: Daltex Electric, LLC's financial documents/records, including ledgers, Quick Books, profit/loss statements, balance sheets, and bank statements from inception to present.

RESPONSE:

REQUEST NO. 2: Daltex Electric, LLC's tax returns for the tax years 2019, 2020, 2021, and 2022.

RESPONSE:

REQUEST NO. 3: All K-1s issued by Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 4: All contracts entered into by Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 5: Documents showing the accounts receivables of Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 6: All bank account statements of Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 7: All statements of credit cards in the name of Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 8: All records of Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 9: Documents showing payments made by Daltex Electric, LLC to You.

RESPONSE:

REQUEST NO. 10: Bank statements from Wells Fargo as to Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 11: Bank statements from Bank of America as to Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 12: Bank statements from Hedgeway Capital as to Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 13: Documents showing assets of Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 14: Agreements between Daltex Electric, LLC and Clements Electric.

RESPONSE:

REQUEST NO. 15: License agreements of Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 16: Agreements between Daltex Electric, LLC and Velocity.

RESPONSE:

REQUEST NO. 17: Documents provided to Master Plan Tax Services regarding Daltex Electric, LLC.

RESPONSE:

REQUEST NO. 18: Documents provided to Brett Lawrence regarding Daltex Electric, LLC.

RESPONSE:

REQUEST NO.19: Documents showing payments by Daltex Electric, LLC to Denise Briggs.

RESPONSE:

REQUEST NO. 20: Documents showing Daltex Electric, LLC's purchase of any vehicles.

RESPONSE:

REQUEST NO. 21: 1099s issued by Daltex Electric, LLC from inception to the present.

RESPONSE:

REQUEST NO. 22: All Agreements between Daltex Construction Services, LLC and Daltex Electric, LLC.

RESPONSE: